

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRYL LEE PHILLIPS,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 18-11466

HON. AVERN COHN

ORDER ADOPTING REPORT AND RECOMMENDATION (ECF No. 16)
AND
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (ECF No. 14)
AND
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (ECF No. 10)
AND
DISMISSING CASE

I.

This is a social security case. Plaintiff Darryl Lee Phillips appeals from the final determination of the Commissioner of Social Security (Commissioner) that he is not disabled and therefore not entitled to disability insurance benefits. The matter was referred to a magistrate judge for all pretrial proceedings. Plaintiff and the Commissioner filed cross motions for summary judgment. See ECF Nos. 10, 14.

On August 28, 2019, the magistrate judge issued a report and recommendation (MJRR) recommending that the Commissioner's motion be granted, that plaintiff's motion be denied, and the case be dismissed. (ECF No. 16).

II.

Neither party has filed objections to the MJRR and the time for filing objections has passed. The failure to file objections to the report and recommendation waives any further right to appeal. Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motions. Thomas v. Arn, 474 U.S. 140, 149 (1985). The Court has reviewed the MJRR and agrees with the magistrate judge's recommendations.

Accordingly, the findings and conclusions of the magistrate judge are ADOPTED as the findings and conclusions of the Court. The Commissioner's motion for summary judgment is GRANTED. Plaintiff's motion for summary judgment is DENIED. This case is DISMISSED.

SO ORDERED.

Dated: 9/24/2019
Detroit, Michigan

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE